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By ECF

The Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Livan Fernandez, 16 Cr. 311 (KMW)

Dear Judge Wood

Counsel for Livan Fernandez writes in advance of the violation of supervised release conference currently scheduled for April 5, 2023. The alleged conduct underlying Mr. Fernandez's violation proceeding is currently the subject of a prosecution in Bronx County. There is an upcoming April 19, 2023 deadline in that matter, after which more details on the timeline for the underlying case will be known.

We have conferred via telephone with the Government, and the parties believe an adjournment until a date after that time would provide the Court with more information to facilitate the resolution of the violation of supervised release proceedings. Counsel for Mr. Fernandez therefore respectfully requests that the Court adjourn the upcoming conference to a date after April 19, 2023. The Government consents to the adjournment. The parties jointly propose April 26, 2023 as an alternative date for the court.] *granted*

Finally, Counsel for Mr. Fernandez respectfully requests that the conditions of Mr. Fernandez's bail be modified to include the following:

"Mr. Fernandez is permitted to leave his home for specific periods of time to go to particular locations in the SDNY or EDNY upon notice and advance approval by the Probation Department. Mr. Fernandez shall provide advance notice in writing, which will contain the justification for the request. Such notice shall be given at least 24 hours in advance, if practicable. Approval shall be in writing and is at the sole discretion of Probation. Probation has the right to request proof either before the request or after, and Mr. Fernandez must comply with such request. Probation may revoke any approval at its discretion."

We have conferred via telephone and email with the Government and Probation on this proposal, and they have no objection.

*The conference is adjourned to
April 26, 2023, at 10:30 a.m.*

SO ORDERED: N.Y., N.Y. 4/3/23

Kimba M. Wood

KIMBA M. WOOD
U.S.D.J.